IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19488 of 2007(T)

PETITIONER:

K.NANUKUTTAN NAIR,
PRESIDENT, PALLICHAL FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.T.677, VEDIVACHANKOVIL, THIRUVANANTHAPURAM.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:
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1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THIRUVANANTHAPURAM.

2. RETURNING OFFICER, PALLICHAL FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.T.677, VEDIVACHANKOVIL, (UNIT INSPECTOR OF CO-OPERATIVE SOCIETIES), PARASALA, O/O. ASSISTANT REGISTRAR OF CO-OP. SOCIETIES, NEYYATTINKARA.

BY GOVT. PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 19488 OF 2007

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Dated this the 26th day of June, 2007

JUDGMENT

Case of the petitioner is that he is elected as the President of the Board of Directors of the Bank. Next election is scheduled to be held on 01/07/2007 and the second respondent is the Returning Officer. According to him, there are 9000 voters eligible to vote in the election. The bank maintains form 6B register regarding identity card issued to the members. The apprehension of the petitioner is that fake identity cards are issued to several persons affixing photos of the persons who are not members of the bank. It is in such contingency, form 6B register is to be verified is the case of the petitioner. Petitioner submitted Ext.P1 representation. But it is ignored, it is stated.

2. I heard learned Government Pleader also.

3. Of course, Rule 35(O) interalia provides that " no ballot paper shall be issued to a member unless he produces his identity card and the polling officer is satisfied that the member

concerned is the same person as noted in the list furnished to him."

4. Petitioner has already alerted the second respondent by filing Ext.P1. Returning officer is duty bound to issue ballot papers only in accordance with law. The writ petition is disposed of directing the second respondent to take note of Ext.P1 and ensure that eligible persons alone are issued with ballot papers.

(K.M.JOSEPH, JUDGE)

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